

M. Anderson Berry, Esq. (State Bar No. 262879)
Gregory Haroutunian, Esq. (State Bar No. 330263)

**CLAYEO C. ARNOLD,
A PROFESSIONAL CORPORATION**

865 Howe Avenue
Sacramento, CA 95825
Telephone: (916) 239-4778
Facsimile: (916) 924-1829
Email: aberry@justice4you.com
Email: gharoutunian@justice4you.com

Adam E. Polk (State Bar No. 273000)
Patrick T. Johnson (State Bar No. 329580)

GIRARD SHARP LLP

601 California Street, Suite 1400
San Francisco, California 94108
Telephone: (415) 981-4800
Facsimile: (415) 981-4846
Email: apolk@girardsharp.com
Email: pjohnson@girardsharp.com

Co-Lead Counsel for Plaintiffs and the Proposed Class

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ELLEN PACE,

Plaintiff,

vs.

OMNI FAMILY HEALTH,

Defendant.

Case No. 1:24-cv-01277-JLT-CDB

**JOINT STIPULATION AND
[PROPOSED] ORDER REGARDING
STAY OF PROCEEDINGS PENDING
FINAL SETTLEMENT APPROVAL**

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1 WHEREAS, three cases were filed in this District, beginning on October 20, 2024, with
2 *Pace v. Omni Family Health*, Case No. 1:24-cv-01277-JLT-CDB (“*Pace*”), asserting various
3 common law and statutory claims against Omni Family Health (“Omni”) arising out of a
4 security incident Omni discovered on August 7, 2024 (the “Security Incident”);¹

5 WHEREAS, nineteen additional cases arising out of the Security Incident were
6 originally filed in California Superior Court, Kern County and California Superior Court,
7 Fresno County, beginning on October 21, 2024, with *Angela Miranda v. Omni Fam. Health*,
8 No. BCV-23-103588;²

9 WHEREAS, Defendant subsequently removed all state-court cases to this District,
10 beginning on November 29, 2024, with *Abraham v. Omni Family Health*, Case No. 1:24-cv-
11 01456-JLT-CDB;

12 WHEREAS, on December 29, 2024, Plaintiffs began to move to remand the removed
13 cases to California Superior Court;

14 WHEREAS, on January 15, 2025, the Court consolidated the related actions,
15 designating *Pace* as the lead case (the “Consolidated Actions”) (ECF 12);³
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18 ¹ The other two federal cases are *Aguirre v. Omni Fam. Health*, 1:24-cv-01361-KES-CDB, which was filed on
19 November 6, 2024, and *Mitchell v. Omni Fam. Health*, 1:24-cv-01384-JLT-CDB, which was filed on November
20 12, 2024.

21 ² The other eighteen state cases are as follows: *Nadine Kelley v. Omni Fam. Health*, No. BCV-24-103591 was filed
22 on October 22, 2024; *Sweeten et al. v. Omni Fam. Health*, No. 1:24-cv-01464, was filed on October 22, 2024;
23 *Samantha Abraham v. Omni Fam. Health*, No. BCV-24-10623 was filed on October 23, 2024; *Jaimee Morland v.*
24 *Omni Fam. Health*, No. BCV-24-103630 was filed on October 23, 2024; *Daniel Aaron v. Omni Fam. Health*, No.
25 BCV-24-103632 was filed on October 23, 2024; *Karen Bloom v. Omni Fam. Health*, No. BCV-24-103643 was
26 filed on October 24, 2024; *Amy Robison v. Omni Fam. Health*, No. BCV-24-103671 was filed on October 25,
27 2024; *Stevenson et al. v. Omni Fam. Health*, No. 1:24-cv-01459 was filed on October 25, 2025; *Nina Wall v. Omni*
28 *Fam. Health*, No. BCV-24-103672 was filed on October 25, 2024; *Eliza Reid v. Omni Fam. Health*, No. BCV-24-
103674 was fi led on October 25, 2024; *Katrina Hernandez v. Omni Fam. Health*, No. BCV-24-103697 was filed
on October 29, 2024; *Lois Snelson v. Omni Fam. Health*, No. BCV-24-103706 was filed on October 31, 2024;
Salvador Cortez Magana v. Omni Fam. Health, No. BCV-24-103746 was filed on October 31, 2024; *Melanie*
Gray v. Omni Fam. Health, No. BCV-24-103764 was filed on October 31, 2024; *Gober Villatoro Guerra v. Omni*
Fam. Health, No. BCV-24-103780 was filed on November 4, 2024; *White et al v. Omni Fam. Health*, No. BCV-
24-103902 was filed on November 13, 2024; *Cubit et al v. Omni Fam. Health*, No. BCV-24-104057 was filed on
November 22, 2024; *Tammy Billington v. Omni Fam. Health*, No. BCV-25-100067 was filed on January 8,
2025(the “Initial State Court Actions”).

³ Later-removed related cases were subsequently consolidated with *Pace*.

1 WHEREAS, on January 24, 2025, Defendant moved to substitute the United States in
2 place of Defendant;

3 WHEREAS, on March 17, 2025, the Court appointed Adam E. Polk of Girard Sharp
4 LLP and M. Anderson Berry of Clayco C. Arnold, APC, as Interim Class Counsel.

5 WHEREAS, on April 23, 2025, while the Motion to Remand and Motion to Substitute
6 were pending, the Parties notified the Court that they had reached an agreement-in-principle
7 that resolves all of the claims alleged in the Consolidated Actions;

8 WHEREAS, the Court ordered the Plaintiffs to file a motion for preliminary approval
9 of the settlement class no later than June 9, 2025 (ECF 44);

10 WHEREAS, the Court has not yet ruled on Plaintiffs' Motion to Remand and
11 Defendant's Motion to Substitute and neither of the Parties has abandoned their motion or
12 waived their right to a decision on such motions;

13 WHEREAS, the Parties have conferred and agreed that, in order to avoid any possible
14 concerns as to this Court's jurisdiction to approve a settlement of the Consolidated Actions prior
15 to ruling on the pending Motions to Remand and to Substitute, and to avoid the unnecessary
16 waste of judicial and party resources associated with again removing the Initial State Court
17 Actions, consolidating the Consolidated Actions, and re-filing the pending Motion to Remand
18 and Motion to Substitute should the settlement for any reason not be approved or finalized, good
19 cause exists to stay the Consolidated Actions pending final approval of the settlement in
20 California Superior Court, Kern County and expiration or exhaustion of all appellate rights with
21 respect to the final approval;

22 WHEREAS, the Parties agree that, subject to Court approval and entry of a stay,
23 Plaintiffs will file a consolidated complaint in California Superior Court, Kern County on or
24 before July 31, 2025;

25 WHEREAS, the Parties agree that, subject to Court approval and entry of a stay, the
26 Parties will finalize their settlement agreement and Plaintiffs will move for preliminary approval
27 in California Superior Court on or before August 5, 2025;

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4 WHEREAS, the Parties accordingly request that this Court stay the Consolidated
5 Actions pending final approval of a settlement in California Superior Court, Kern County, and
6 expiration or exhaustion of all appellate rights with respect to the final approval;

7 WHEREAS, the Parties agree to provide status updates every 90 days after entry of this
8 stipulated Order, or any other timeframe the Court requires.

9
10 NOW, THEREFORE, the Parties, by and through their undersigned counsel, jointly
11 stipulate and agree, subject to the Court's approval, as follows:

- 12 1. The Consolidated Actions are hereby stayed for all purposes pending resolution
13 of the motion for final approval of a settlement in California Superior Court,
14 Kern County, and expiration or exhaustion of all appellate rights with respect to
15 the final approval;
- 16 2. Plaintiffs are to move for preliminary approval in California Superior Court on
17 or before August 5, 2025.
- 18 3. The Parties shall provide a status update every 90 days following entry of this
19 Order.

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21 DATED: June 5, 2025

22 By: /s/ M. Anderson Berry
23 **CLAYEO C. ARNOLD, APC**
24 M. Anderson Berry, Esq. (SBN 262879)
25 Gregory Haroutunian, Esq. (SBN330263)
26 865 Howe Avenue
27 Sacramento, CA 95825
28 Telephone: (916) 239-4778
Facsimile: (916) 924-1829
Email: aberry@justice4you.com
Email: gharoutunian@justice4you.com

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GIRARD SHARP LLP

Adam E. Polk (State Bar No. 273000)
Patrick T. Johnson (State Bar No. 329580)
601 California Street, Suite 1400
San Francisco, California 94108
Telephone: (415) 981-4800
Facsimile: (415) 981-4846
Email: apolk@girardsharp.com
Email: pjohnson@girardsharp.com

*Co-Lead Counsel for Plaintiffs and the
Proposed Class*

By: /s/ Tambry L. Bradford

(as authorized on June 5, 2025)

TROUTMAN PEPPER LOCKE LLP

Tambry L. Bradford (SBN 223282)
tambry.bradford@troutman.com
Two California Plaza
350 South Grand Avenue, Suite 3400
Los Angeles, CA 90071
Telephone: 213.928.9800
Facsimile: 213.928.9850

TROUTMAN PEPPER LOCKE LLP

Ronald I. Raether, Jr. (SBN 303118)
ron.raether@troutman.com
100 Spectrum Center Drive, Suite 1500
Irvine, CA 92618
Telephone: 949.622.2722
Facsimile: 949.622.2739

**BRYAN CAVE LEIGHTON PAISNER
LLP**

Daniel T. Rockey (SBN 178604)
daniel.rockey@bclplaw.com
Three Embarcadero Center, 7th Floor
San Francisco, CA 94111
Telephone: 415.675.3400

Facsimile: 415.675.3434

*Attorneys for Defendant,
Omni Family Health*

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

IT IS SO ORDERED.

Dated: **June 6, 2025**


UNITED STATES DISTRICT JUDGE